

City of Detroit


CITY COUNCIL

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TO: The Honorable City Council Rules Special Committee
Council Member Brenda Jones, Chair

FROM: David Whitaker 
Research & Analysis Division Staff

DATE: November 26, 2007

RE: Request to Review the Purpose and Use of the Consent Agenda

The Research & Analysis Division (RAD) was requested to explain the purpose of the Consent Agenda under the newly adopted Rules of Order for the Detroit City Council.

For the past several months Your Honorable Body has been operating under newly adopted Rules of Order for the Detroit City Council (Rules). These Rules became effective on September 1, 2007, and allow for a Consent Agenda at all Formal Sessions. Previously, Council's Formal Session Agenda did not provide for a Consent Agenda. In an attempt to clarify the Consent Agenda section of Council's Formal Session Agenda, RAD offers the following:

Consent Agenda Defined:

The Rules of Order for the Detroit City Council Consent Agenda (10.13.9) provides for a Consent Agenda that:

Includes testimonial resolutions and ordinances that require amendments due to Scrivener error or any non-controversial items received from the Standing Committees.

To further understand the purpose of a Consent Agenda RAD consulted Robert's Rules of Order Newly Revised (10th Edition). Roberts refers to Consent Agenda as Consent Calendar and states:

Legislatures, city, town, or county councils, or other assemblies which have a heavy work load including a large number of routine or noncontroversial matters may find a

consent calendar a useful tool for disposing of such items of business. Commonly, when such a matter has been introduced or reported by a committee for consideration in the assembly, its sponsor, or, sometimes, an administrator, may seek to have it placed on the consent calendar. The calendar is called over periodically at a point established in the agenda by special rule of order, at least preceding standing committee reports. The matters listed on it are taken up in order, unless objected to, in which case they are restored to the ordinary process by which they are placed in line for consideration on the regular agenda. The special rule of order establishing a consent calendar may provide that, when the matters on the calendar are called up, they may be considered in gross or without debate or amendment. Otherwise, they are considered under the rules just as any other business, in which case the "consent" relates only to permitting the matter to be on the calendar for consideration without conforming to the usual, more onerous, rules for reaching measures in the body.

Roberts Rules of Order V City Council Rules

In determining the proper use of the Consent Agenda the overriding authority that RAD's parliamentarian(s) look to first, are the City Council Rules, adopted on February 28, 2007 and effective September 1, 2007. Then, if the Council Rules are silent on an issue the parliamentarian(s) look to Robert's Rules of Order for clarification and direction.

In this specific instance, the City Council Rules sufficiently address what is proper for the City Council Consent Agenda: **testimonial resolutions and ordinances that require amendments due to Scrivener error or any non-controversial items received from the Standing Committees** (emphasis added).

Proper Use of the Consent Agenda

In keeping with the spirit of the Council Rules and with the understanding of Roberts Rules of Order, it is clear that there is a proper use for the Consent Agenda in handling matters coming from a Standing Committee for consideration to the entire Legislative Body.

- Items shall be limited to: testimonial resolutions and ordinances that require amendments due to Scrivener error or any non-controversial items received from the Standing Committees.
- Items for inclusion on the Consent Agenda are forwarded from the Standing Committees in writing to the City Clerk for inclusion (printing) on the City Council Formal Session Agenda.

- Consent relates only to permitting the matter to be on the agenda for consideration without conforming to the usual, more onerous, rules for items coming before Your Honorable Body at Formal Session.

Past Practice of the Consent Agenda

The Legislative branch of City government operated for the past 100-years under a Committee of the Whole dominant structure. However, the 1997 Charter for City of Detroit mandated a Standing Committee Structure. In keeping with this mandate, the Detroit City Council unanimously passed a new set of Rules of Order for the Detroit City Council. Council Members recognized at that time the implementation of the new Committee structure would not be without needed adjustments or amendments.

For the past several months, Council has used the Consent Agenda to repeatedly handle a multitude of issues ranging from approving contracts to parade permits and from walk-on items to resolutions. Consequently, the Consent Agenda has been used for any item that Council Members, their Staff Agencies, or the Mayor's office recognize as needing immediate approval or special circumstance.

While the need for approving such items may be necessary, the placement of these items on the Consent Agenda is inconsistent with both the newly adopted Rules, and Robert's Rules of Order. Following that logic, RAD is recommending that the use of Consent Agenda be consistent with the newly adopted Rules, and with Roberts Rules of Order.

"New Business" Recommendation

Consistent with the newly adopted Rules, Council has provided a means for placing items before The Honorable Body that did not make it to the Clerk for inclusion on the Formal Session Agenda. According to rule 10.13.10 New Business:

Includes procedures for placing items on the agenda that did not make it to the Clerk.

Currently, the Formal Agenda does not include the section "New Business" although Council Rules clearly allow for the inclusion of this category as an effective means of placing action items before City Council for consideration. The rule references "procedures" however those "procedures" were never drafted.

As such, it is RAD's recommendation that when items do not make it to the City Clerk for inclusion on the Formal Session Agenda, these items be placed on the agenda under the heading "New Business". RAD is submitting for your consideration the following procedural language relative to New Business:

Add Sub Section 10.13.10.1 to read:

Items considered for placement on the Formal Session Agenda under the Section "New Business" must be presented in type written form and accompanied by the required resolution(s).

Add Sub Section 10.13.10.2 to read:

Items considered for placement on the Formal Session Agenda under the Section "New Business" must be presented to the Council President prior to the beginning of the Formal Session.

Add Sub Section 10.13.10.3 to read:

A 2/3-majority vote¹ of Council Members present must vote in the affirmative to have the item placed on the Formal Session agenda for consideration. Once the item is approved for placement on the Formal Session Agenda, a majority vote is required for approval providing a 2/3 vote is not required dependent on the issue².

Attached, for discussion purposes is a draft resolution affirming the about recommendations. The Research & Analysis Division (RAD) welcomes a discussion with the Rules Committee on this issue.

Attachment: Resolution

¹ RAD recommends a 2/3-majority vote of members present since Council is waving the right for the item to be assigned to a Standing Committee for review

² Statutory Public Hearings cannot be waived

**A RESOLUTION BY THE CITY COUNCIL RULES SPECIAL COMMITTEE
ADDING PROCEDURAL LANGUAGE RELATIVE TO RULE
10.13.10 NEW BUSINESS**

WHEREAS: The Rules of Order for the Detroit City Council (Rules), adopted February 28, 2007 became effective on September 1, 2007, and

WHEREAS: The Rules require at Section 10.13.10 the creation of procedures for handing items on the Formal Session Agenda that did not make it to the City Clerk, **Now Therefore Be**

RESOLVED: The Detroit City Council adopts the following procedural language to comply with Section 10.13.10 of the Rules of Order for the Detroit City Council by adding:

Sub Section 10.13.10.1

Items considered for placement on the Formal Session Agenda under the Section New Business must be presented in type written form and accompanied by the required resolution(s)

Sub Section 10.13.10.2

Items considered for placement on the Formal Session Agenda under the Section New Business must be presented to the Council President prior to the beginning of the Formal Session.

Sub Section 10.13.10.3

A 2/3-majority vote of Council Members present must vote in the affirmative to have the item placed on the Formal Session Agenda for consideration. Once the item is approved for placement on the Formal Session Agenda, a majority vote is required for approval providing a 2/3 vote is not required dependent on the issue.

RESOLVED: The Research & Analysis Division (RAD) is instructed to included the above additional sections in the Rules of Order for the Detroit City Council, passed by resolution February 28, 2007 and effective September 1, 2007 and Be It Further

RESOLVED: The Detroit City Clerk is hereby directed to include a section titled New Business on every Formal Session Agenda, and Be it Finally

RESOLVED: The added procedural language governing New Business take immediate effect.